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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,549	04/12/2004	Frank A. Howell	6964CIP	1813

7590 07/27/2005

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EXAMINER
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RODRIGUEZ, RUTH C

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/822,549

Applicant(s)

HOWELL, FRANK A.

Examiner

Ruth C. Rodriguez

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/9/04.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Priority*

1. Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged.

### *Information Disclosure Statement*

2. The information disclosure statement filed 09 June 2004 has been considered for this Office Action.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Munsell, Jr. (US 6,192,559 B1).

A buckle (26) is used with a flexible strap (12) having a substantially uniform width and thickness and end tab (66,104) of increased thickness. The buckle captures and releasably retains the end tab (Figs. 1 and 9). The buckle comprises a base (lower

surface), parallel side walls and flanges (upper surface). The side walls extend upwardly to cooperate therewith in defining an open-ended receiving channel having an entry end (42) and an exit end (36). The flanges are spaced vertically from the base and extend inwardly in cantilever fashion from the side walls to define an open-ended slot communicating with and extending along the length of the receiving channel (Figs. 2, 4, 5 and 9). The slot allows longitudinal pinching and lateral insertion of the strap into the receiving channel and the flanges have undersides receiving the end tab in the receiving channel via the strap entry end and to releasably retain and prevent withdrawal of the end tab from the receiving channel via the exit end (Figs. 1, 2 and 9).

The flanges have converging sections leading from a maximum width (40,32) of the slot at the entry end of the receiving channel to a reduced width (38,32) of the slot at an intermediate location along the length of the channel (Figs. 1, 2 and 9).

The end tab defines a shoulder (132) extending transversely across the width of the strap and the undersides of the flanges define stop surfaces (between the maximum width and the reduced width of the slot) engageable with the shoulder (Fig. 9).

The undersides of the flanges further define jamming surfaces sloping downwardly towards the stop surfaces (Fig. 2).

The base is secured to a section of the strap (other end).

The base is formed as an integral part of a carrier structure (14 after it is fastened).

A buckle (26) is used with a flexible strap (12) having a substantially uniform width and thickness and end tab (66,104) of increased thickness. The buckle captures

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and releasably retains the end tab (Figs. 1 and 9). a base (lower surface), parallel side walls and flanges (upper surface). The side walls extend upwardly from the base to cooperate therewith in defining an open-ended receiving channel (Figs. 1, 2 and 9).

The flanges are spaced vertically from the base and extend inwardly from the side walls to define an open-ended slot communicating with the receiving channel (Figs. 1, 2 and 9). The flanges have converging sections leading from one end of the slot to an intermediate location along the length thereof (Figs. 1, 2 and 9). The slot allows longitudinal pinching and lateral insertion of the strap into the receiving channel (Figs. 1 and 9). The converging section and the flanges have undersides coacting with the base in releasably wedging the end tab in the receiving channel (Figs. 1, 2 and 9).

### ***Allowable Subject Matter***

5. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dillin (US 541,729), Watson (US 1,466,495), Campbell et al. (US 4,991,265), Pritchard et al. (US 5,007,138), McIntire (US 5,383,259), Elseheimer et al. (US 5,542,462), Scholey (US 5,970,585) and Munsell, Jr. (US 6,192,559 B1) are cited to show state of the art with respect to buckles that have some of the features claimed by the current application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C Rodriguez whose telephone number is (571) 272-7070. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075.

Submissions of your responses by facsimile transmission are encouraged. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase the patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as PTO's mailroom processing and delivery time. For a complete list of correspondence **not** permitted by facsimile transmission, see MPEP § 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring

Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP § 512). The following is an example of the format the certification might take:

(Typed or printed name of person signing this certificate)

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP § 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response has been transmitted by facsimile will cause further unnecessary delays in the processing of your application, duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.


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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

  
Ruth C. Rodriguez  
Patent Examiner  
Art Unit 3677

rcr

July 25, 2005